

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

MICHAEL BOWER,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-05-0857-F
)	
RON WARD, Director, Oklahoma)	
Department of Corrections,)	
)	
Respondent.)	

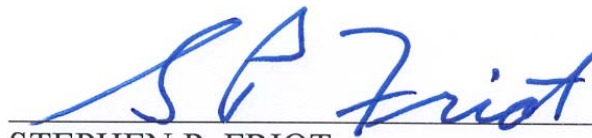
ORDER

This action involves a petition for a writ of habeas corpus filed by Michael Bower. The respondent, Mr. Edward Evans, Acting Director of the Oklahoma Department of Corrections, has moved for dismissal on the grounds that petitioner has failed to exhaust his state court remedies. (Doc. no. 10.) Magistrate Judge Robert E. Bacharach's Report and Recommendation (doc. no. 20) recommends that the Motion to Dismiss be overruled, and the respondent has objected to this result. Having reviewed de novo the issues presented by the Motion to Dismiss, and having studied the Report, the Petition, and the relevant legal authorities, the court finds and concludes that it concurs with the magistrate judge's determination. The court further finds that no purpose would be served by repeating those determinations, or the magistrate judge's analysis, here.

Therefore, the Report and Recommendation of Magistrate Judge Robert E. Bacharach is **ACCEPTED, ADOPTED, and AFFIRMED** in its entirety. For the reasons stated in the Report, Respondent's Motion to Dismiss is **DENIED**. This

action is referred back to the magistrate judge for all proceedings consistent with the original referral.

Dated this 18th day of November, 2005.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

05-0857p002(pub).wpd